IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/068,178 Confirmation No.: 8071
Applicant(s): Mello et al.
Filed: 2/6/2002
Art Unit: 2839
Examiner: Nguyen, S.V.
Title: ELECTRICAL SPLICE CONNECTOR

Attorney Docket No.: 003B.0031.U1(US)
Customer No.: 29,683

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Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response To Office Action

Sir:

This is in response to the Office Action mailed 10/3/2003 (Paper No. 8) in regard to the above-identified patent application. Claims 5-10 and 22-24 have been allowed. Claims 1-4, 11-21 and 25-37 have been rejected.

An Information Disclosure Statement (IDS) was filed on July 17, 2003. The examiner is requested to return the Form PTO-1449 with the references initialed to indicate that the references have been considered. Enclosed is an additional copy of the IDS for the examiner's information and a copy of the return post card indicating receipt by the USPTO.

Claims 1-4, 14-15 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mello et al (US 2002/0119710) in view of Goto (US 5044996). Claims 11-13, 16-21, 25-32 and 34-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mello et al. (US 2002/0119710) in view of Goto (US

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5044996) and Herron (US 6193565). The examiner is requested to reconsider the rejections.

Mello et al. was published after the present application was filed. Mello et al. and the present application were, at the time the invention of the present application was made, **commonly owned.** The examiner is directed to MPEP §706.02(l)(2). In the present case, at the time the invention of the present application was made FCI USA, Inc. (the owner of Mello et al) owned 100 percent of FCI Americas Technology, Inc. (the assignee of the present application as evidenced by the assignment recorded on 2/6/2002 at Reel/Frame 012575/0080). In accordance with MPEP §706.02(l)(2)(II), it is understood that this statement alone is sufficient evidence to disqualify Mello et al. from being used in a rejection under 35 U.S.C. §103(a) against the claims of the present application. Thus, the examiner is requested to withdraw the rejections based upon Mello et al.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the Examiner is invited to call Applicants' Attorney at the telephone number indicated below.

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Reply to Office Action of: 10/3/2003

Respectfully submitted,

Mark F. Harrington (Reg. No. 31,686) 11/3/03
Date

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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